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# TAKING ON THE TERRORISTS

RAYMOND PRICE

## Do unto others

"World peace through law" ranks with faith, hope, and charity as an expression of Western virtue. But 10 priests singing psalms and 20 lawyers reciting the Constitution are no match for one terrorist with a machine gun and a sack of hand grenades. If we act as if they were, we're going to lose.

In the tense drama surrounding the capture of the *Achille Lauro* hijackers, Egypt and Italy followed national interest, not law. Each gov-

ernment had what it considered bigger fish to fry than terrorist leader Muhammed "Abu" Abbas. Each was driven by fear. And each, in the final analysis, was more fearful of offending Yasser Arafat than the United States. With regard to short-term costs and benefits, each may have calculated correctly.

But long-term, the incident has important lessons for any nation serious about combating terrorism.

We must find ways to insulate the war against terrorism from the internal politics of individual nations. And we must spread the risk of terrorist counterreprisal.

For our part, we in the United States must come to grips with the need, in dealing with international terrorism, to junk some of our cherished concepts of law.

Today's terrorism is distinguished from other forms of violence by its political nature, its networks of organization and support, and the capricious ways in which it selects its innocent victims.

Terrorism occupies a gray area between crime and war. It has aspects of both. But the terrorist underground is a more elusive target than a uniformed army, and the ordinary strictures of existing criminal and international law are wholly inadequate to deal with terrorist organizations.

In war, we don't insist on reading the Miranda rights to the members of an enemy unit before lobbing artillery shells at them. We don't agonize over the admissibility of evidence before acting on intelligence information about enemy movements.

We need laws and new legal institutions specifically designed for the war on terrorism. We also need to return to the use of extralegal procedures. The rush to purity in which the CIA's covert action capabilities were gutted in the 1970s was an open invitation to terrorism. We must be able to deal with terrorists as brutally and as deviously as they deal with us.

Terrorists should be given a swift death penalty as an act not of vengeance but of prevention — to avert another incident demanding their release. By the same token, the world's nations should round up their convicted terrorists, hold them under international auspices, and let it be known that terrorist acts to secure their release will result in their immediate execution. Make the terrorists themselves hostages against terrorism.

Together with any other nation willing to join — two or three would be enough to start — we should take the lead in establishing a new international tribunal. This should be specifically a Terrorist Court, with only this as its jurisdiction, to which cases could be referred by sovereign governments, whether or not they were among the court's founders. It should be empowered to impose the death penalty — and only the death penalty — for complicity in a terrorist act.

Such a court has four advantages:

1. It puts an international imprimatur on the war against terrorism.

2. It insulates individual governments from the political and diplomatic backlash they fear from those sympathetic to terrorists.

3. Some countries (Italy, for example), have no death penalty. Such an international tribunal provides an alternative that makes it unnecessary to keep convicted terrorists in prison, thereby inviting new terrorism to secure their release.

4. It spreads the risk of reprisal.

But law alone is not enough.

Anyone tempted to join the terrorist underground should be put on notice that enlistment is his own death warrant, exercisable whenever and wherever he is caught.

No country that gives sanctuary to terrorists should expect immunity from acts of reprisal on its territory.

Individual terrorists must be made to hurt. Their organizations and their causes must be made to hurt. Countries that give them support and sanctuary must be made to hurt. If doing so makes other countries unhappy with us, that's tough.

We worry too much about their opinion of us, without making them worry enough about our opinion of them.

*Raymond Price is a nationally syndicated columnist.*